

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

DONALD LUERHMAN,

Plaintiff,

vs.

Case No. 10-2360-CM-DWB

UNITED STATES OF AMERICA

Defendant.

ORDER MODIFYING STAY OF DISCOVERY

This matter is presently before the Court on a joint motion by the parties to modify the order staying discovery, issued by the Court on December 27, 2010. The Court originally granted the motion as unopposed. The parties now request that the Court modify its original order staying all discovery in the case to allowing discovery to proceed only as it relates to the Kansas Winter Storm Doctrine. All other discovery in the case would remain subject to the stay.

After consideration of the motion the Court accedes to the request of the parties. Therefore, the Court will allow discovery to proceed only as it relates to the issue of the Kansas Winter Storm Doctrine. The discovery deadlines previously in place will apply only to this issue. The Court will hold in abeyance any ruling on the Defendant's motion for summary judgment on this specific issue until after discovery has been completed. All other issues raised by the Defendant's *Motion to Dismiss Complaint or in the Alternative, Motion for Summary Judgment* will remain under consideration by the Court and a ruling on those issues will not be delayed by the discovery. The Court is aware that a favorable ruling on the pending issues in Defendant's dispositive motion would render moot any necessity to provide any ruling on the Kansas Winter Storm Doctrine issue.

THEREFORE IT IS ORDERED that only discovery related to the Kansas Winter Storm

Doctrine will proceed in accordance with the previously ordered discovery deadlines. All other issues in the case will remain subject to the Court's order staying discovery.

IT IS SO ORDERED.

Dated this 18th day of January, 2011.

S/ KENNETH G. GALE
KENNETH G. GALE
United States Magistrate
District of Kansas